

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AMYRIS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 23-11131 (TMH)

(Jointly Administered)

**AMENDED² NOTICE OF AGENDA OF MATTERS SCHEDULED FOR
HEARING ON SEPTEMBER 14, 2023 AT 2:00 P.M. (EASTERN TIME³)**

This hearing will be conducted in-person before the Honorable Thomas M. Horan, in the United States Bankruptcy Court for the District of Delaware, 824 Market Street, 3rd Floor, Courtroom #7. All parties, including witnesses, are expected to attend in person unless permitted to appear via Zoom. Participation at the in-person court proceeding using Zoom is allowed only in the following circumstances: (i) a party who files a responsive pleading intends to make only a limited argument; (ii) a party who has not submitted a pleading but is interested in observing the hearing; or (iii) other extenuating circumstances as determined by Judge Horan.

All participants over Zoom must register in advance. Please register by September 13, 2023, at 4:00 p.m. (EST). at the link below.

<https://debuscourts.zoomgov.com/meeting/register/vJIsd-isqzkiHLFEg9EYrQ18gmhhyoj8Gr4>

I. RESOLVED MATTERS

1. Motion for Entry of Interim and Final Orders: (I) Approving Proposed form of Adequate Assurance of Payment to Utility Companies; (II) Establishing Procedures for Resolving Objections By Utility Companies; (III) Prohibiting Utility Companies From Altering, Refusing, Or Discontinuing Service; and (IV) Granting Related Relief [Filed 08/09/2023, Docket No. [7](#)].

Response Deadline: August 31, 2023. The deadline to respond was extended for the Committee to September 7, 2023.

¹ A complete list of each of the Debtors in these Chapter 11 Cases may be obtained on the website of the Debtors' claims and noticing agent at <https://cases.stretto.com/Amyris>. The location of Debtor Amyris Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 5885 Hollis Street, Suite 100, Emeryville, CA 94608.

² **Amended items are indicated in bold.**

³ All motions and other pleadings referenced herein are available online at the following web address: <https://cases.stretto.com/Amyris>.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Final Order.

Related Documents:

- A. Certification of Counsel Regarding Motion for Entry of Interim and Final Orders: (I) Approving Proposed form of Adequate Assurance of Payment to Utility Companies; (II) Establishing Procedures for Resolving Objections By Utility Companies; (III) Prohibiting Utility Companies From Altering, Refusing, Or Discontinuing Service; and (IV) Granting Related Relief [Filed September 9, 2023, Docket No. [225](#)].
- B. [Signed] Final Order (I) Approving Proposed Form of Adequate Assurance of Payment to Utility Companies; (II) Establishing Procedures for Resolving Objections by Utility Companies; (III) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Service; and (IV) Granting Related Relief [Filed September 11, 2023, Docket No. [229](#)].

Status: The Court has entered the order on this matter and it is now resolved.

2. Motion for Entry of Interim and Final Orders: (I) Authorizing the Payment of Certain Taxes and Fees; and (II) Granting Related Relief [Filed 08/09/2023, Docket No. [8](#)].

Response Deadline: August 31, 2023. The deadline to respond was extended for the Committee to September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Final Order.

Related Documents:

- A. Certification of Counsel Regarding Motion for Entry of Interim and Final Orders: (I) Authorizing the Payment of Certain Taxes and Fees; and (II) Granting Related Relief [Filed September 8, 2023, Docket No. [209](#)].
- B. [Signed] Final Order: (I) Authorizing the Payment of Certain Taxes and Fees; and (II) Granting Related Relief [Filed September 8, 2023, Docket No. [216](#)].

Status: The Court has entered the order on this matter and it is now resolved.

3. Motion for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Honor Certain Prepetition Obligations to Customers and (B) Otherwise Continue Certain Customer Programs in the Ordinary Course of Business and (II) Granting Related Relief [Filed 08/09/2023, Docket No. [10](#)].

Response Deadline: August 31, 2023. The deadline to respond was extended for the Committee to September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Final Order.

Related Documents:

- A. Certification of Counsel Regarding Motion for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Honor Certain Prepetition Obligations to Customers and (B) Otherwise Continue Certain Customer Programs in the Ordinary Course of Business and (II) Granting Related Relief [Filed September 8, 2023, Docket No. [206](#)].
- B. [Signed] Final Order (I) Authorizing Debtors to (A) Honor Certain Prepetition Obligations to Customers and (B) Otherwise Continue Certain Customer Programs in the Ordinary Course of Business and (II) Granting Related Relief [Filed September 8, 2023, Docket No. [214](#)].

Status: The Court has entered the order on this matter and it is now resolved.

4. Motion for Entry of Interim and Final Orders: (I) Authorizing, But Not Directing, the Debtors to (A) Pay Prepetition Employee Wages, Salaries, Other Compensation, and Reimbursable Employee Expenses and (B) Continue Employee Benefits Programs and (II) Granting Related Relief [Filed 08/09/2023, Docket No. [11](#)].

Response Deadline: August 31, 2023. The deadline to respond was extended for the Committee to September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Final Order.

Related Documents:

- A. Certification of Counsel Regarding Motion for Entry of Interim and Final Orders: (I) Authorizing, But Not Directing, the Debtors to (A) Pay Prepetition Employee Wages, Salaries, Other Compensation, and Reimbursable Employee Expenses and (B) Continue Employee Benefits Programs and (II) Granting Related Relief [Filed September 8, 2023, Docket No. [210](#)].
- B. [Signed] Final Order (I) Authorizing, But Not Directing, the Debtors to (A) Pay Prepetition Employee Wages, Salaries, Other Compensation, and Reimbursable Employee Expenses and (B) Continue Employee Benefits Programs and (II) Granting Related Relief [Filed September 8, 2023, Docket No. [217](#)].

Status: The Court has entered the order on this matter and it is now resolved.

5. Motion for Entry of an Order (I) Extending Time to File Schedules of Assets and Liabilities and (II) Granting Related Relief [Filed 08/09/2023, Docket No. [13](#)].

Response Deadline: August 31, 2023. The deadline to respond was extended for the Committee to September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Order.

Related Documents:

- A. Certification of Counsel Regarding Motion for Entry of an Order (I) Extending Time to File Schedules of Assets Filed September 8, 2023, Docket No. [208](#).
- B. [Signed] Order (I) Extending Time to File Schedules of Assets and Liabilities and (II) Granting Related Relief [Filed September 12, 2023, Docket No. [240](#)].

Status: The Court has entered the order on this matter and it is now resolved.

6. Motion for Entry of Interim and Final Orders Approving Notification and Hearing Procedures for (I) Certain Transfers of and Declarations of Worthlessness With Respect to Common Stock, (II) Certain Transfers of Claims Against Debtors and (II) Granting Related Relief [Filed 08/09/2023, Docket No. [14](#)].

Response Deadline: August 31, 2023. The deadline to respond was extended for the Committee to September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Final Order.

Related Documents:

- A. Certification of Counsel Regarding Motion for Entry of Interim and Final Orders Approving Notification and Hearing Procedures for (I) Certain Transfers of and Declarations of Worthlessness With Respect to Common Stock, (II) Certain Transfers of Claims Against Debtors and (II) Granting Related Relief [Filed September 8, 2023, Docket No. [207](#)].
- B. [Signed] Final Order (I) Approving Notification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness With Respect to Common Stock, (II) Certain Transfers of Claims Against Debtors and (II) Granting Related Relief [Filed September 8, 2023, Docket No. [215](#)].

Status: The Court has entered the order on this matter and it is now resolved.

7. Application to Employ KTBS Law LLP as Special Counsel on Behalf of and at the Sole Direction of the Independent Director, Effective as of August 11, 2023 [Filed August 18, 2023, Docket No. [108](#)].

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Final Order.

Related Documents:

- A. First Supplemental Declaration of Samuel M. Kidder In Support of Application of the Debtors to Retain and Employ KTBS Law LLP as Special Counsel on Behalf of and at the Sole Direction of the Independent Director, Effective as of August 11, 2023 [Filed September 1, 2023, Docket No. [177](#)].
- B. Certification of Counsel Regarding Application of the Debtors to Retain and Employ KTBS Law LLP as Special Counsel on Behalf of and at the Sole Direction of the Independent Director, Effective as of August 11, 2023 [Filed September 8k, 2023, Docket No. [221](#)].
- C. [Signed] Order Authorizing Retention and Employment of KTBS Law LLP as Special Counsel for the Debtors on Behalf of and at the Sole Direction of the Independent Director, Effective as of August 11, 2023 [Filed September 11, 2023, Docket No. [228](#)].

Status: The Court has entered the order on this matter and it is now resolved.

8. Motion of Debtors for Entry of Order (I) Establishing Procedures Governing the Sale or Transfer of Certain De Minimis Assets and Non-Operating Brands, and (II) Granting Related Relief [Filed August 24, 2023, Docket No. [132](#)].

Response Deadline: September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Final Order.

Related Documents:

- A. Certification of Counsel Regarding Motion of Debtors for Entry of Order (I) Establishing Procedures Governing the Sale or Transfer of Certain De Minimis Assets and Non-Operating Brands, and (II) Granting Related Relief [Filed September 7, 2023, Docket No. [198](#)].

- B. Order (I) Establishing Procedures Governing the Sale or Transfer of Certain De Minimis Assets and Non-Operating Brands, and (II) Granting Related Relief [Filed September 8, 2023, Docket No. [205](#)].

Status: The Court has entered the order on this matter and it is now resolved.

9. Motion to Reject Lease or Executory Contract Second Omnibus Motion for the Entry of an Order (A) Authorizing Rejection of Executory Contracts Effective as of the Applicable Rejection Date; and (B) Granting Related Relief [Filed August 24, 2023, Docket No. [133](#)].

Response Deadline: September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Order.

Related Documents:

- A. Certification of Counsel Regarding Second Omnibus Motion for the Entry of an Order (A) Authorizing Rejection of Executory Contracts Effective as of the Applicable Rejection Date; and (B) Granting Related Relief [Filed September 7, 2023, Docket No. [200](#)].
- B. [Signed] Order (A) Authorizing Rejection of Executory Contracts Effective as of the Applicable Rejection Date; and (B) Granting Related Relief [Filed September 8, 2023, Docket No. [204](#)].

Status: The Court has entered the order on this matter and it is now resolved.

10. Application to Employ Stretto, Inc. as Administrative Advisor Effective as of the Petition Date [Filed August 24, 2023, Docket No. [134](#)].

Response Deadline: September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Final Order.

Related Documents:

- A. Certification of Counsel Regarding Application for Appointment of Stretto, Inc. as Administrative Advisor Effective as of the Petition Date [Filed September 8, 2023, Docket No. [219](#)].

- B. [Signed] Order Authorizing Retention and Appointment of Stretto, Inc. as Administrative Advisor Effective as of the Petition Date [Filed September 11, 2023, Docket No. [227](#)].

Status: The Court has entered the order on this matter and it is now resolved. Debtors' Application for Authorization to Employ and Retain Pachulski Stang Ziehl & Jones LLP as Counsel for the Debtors Effective as of the Petition Date [Filed August 24, 2023, Docket No. [136](#)].

Response Deadline: August 31, 2023. The deadline to respond was extended for the Committee to September 7, 2023.

Responses Received: None.

Related Documents:

- A. Certificate of No Objection Regarding Debtors Application for Authorization to Employ and Retain Pachulski Stang Ziehl & Jones LLP as Counsel for the Debtors Effective as of the Petition Date [Filed September 8, 2023, Docket No. [220](#)].
- B. [Signed] Order Authorizing the Employment and Retention of Pachulski Stang Ziehl & Jones LLP as Counsel for the Debtors Effective as of the Petition Date [Filed September 11, 2023, Docket No. [232](#)]

Status: The Court has entered the order on this matter and it is now resolved.

11. [REDACTED] Lavvan, Inc.'s Motion for Limited Modification of Automatic Stay to Permit Issuance of an Arbitration Award) [Filed August 31, 2023, Docket No. [175](#)]

Response Deadline: September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Order.

Related Documents:

- A. Statement of the Debtors with Respect to Lavvan, Inc.'s Motion for Limited Modification of Stay to Permit Issuance of an Arbitration Award [Filed September 8, 2023, Docket No. [213](#)].
- B. Certification of Counsel Regarding Order Granting Limited Modification of Automatic Stay to Permit Issuance of an Arbitration Award [Filed September 11, 2023 [Docket No. [226](#)].
- C. [SIGNED] Order Granting Limited Modification of Automatic Stay to Permit Issuance of an Arbitration Award [Filed September 11, 2023, Docket No. [230](#)].

- D. [SIGNED] Order Authorizing Lavvan, Inc. to File Under Seal Its (I) Limited DIP Objection to DIP Motion and (II) Motion for Modification of Automatic Stay [Filed September 11, 2023, Docket No. [231](#)].

Status: The Court has entered the order on this matter and it is now resolved.

II. MATTERS RESOLVED BY COC/CNO

12. Motion for Entry of Interim and Final Orders: (I) Authorizing Debtors to Pay Prepetition Claims of Critical Vendors, Foreign Vendors, 503(B)(9) Claimants, and Lien Claimants; (II) Granting Administrative Expense Priority to All Undisputed Obligations on Account of Outstanding Orders; (III) Authorizing all Financial Institutions to Honor all Related Payment Requests; and (IV) Granting Related Relief [Filed 08/09/2023, Docket No. [9](#)].

Response Deadline: August 31, 2023. The deadline to respond was extended for the Committee to September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Final Order.

Related Documents:

- A. Certification of Counsel Regarding Motion for Entry of Interim and Final Orders: (I) Authorizing Debtors to Pay Prepetition Claims of Critical Vendors, Foreign Vendors, 503(B)(9) Claimants, and Lien Claimants; (II) Granting Administrative Expense Priority to All Undisputed Obligations on Account of Outstanding Orders; (III) Authorizing all Financial Institutions to Honor all Related Payment Requests; and (IV) Granting Related Relief [Filed September 11, 2023, Docket No. [243](#)].
- B. Final Order (I) Authorizing the Debtors to Pay Prepetition Claims of Critical Vendors, Foreign Vendors, 503(b)(9) Claimants, and Lien Claimants; (II) Authorizing all Financial Institutions to Honor all Related Payment Requests; and (III) Granting Related Relief [Entered September 12, 2023, Docket No. [250](#)]**

Status: The Court has entered the order on this matter and it is now resolved.

13. Motion for Entry of Interim and Final orders (I) authorizing the Debtors to (A) Continue to Maintain Their Insurance Policies and Programs, (B) Honor all Insurance Obligations, (C) Renew, Amend, Supplement, Extend, or Purchase and Finance Insurance Policies; (II) Authorizing Continuation of Insurance Premium Financing Agreement; and (III) Granting Related Relief [Filed 08/09/2023, Docket No. [12](#)].

Response Deadline: August 31, 2023. The deadline to respond was extended for the Committee to September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Final Order.

Related Documents:

- A. Certificate of Service [Filed August 17, 2023, Docket No. [104](#)].
- B. Certification of Counsel Regarding Motion for Entry of Interim and Final orders (I) Authorizing the Debtors to (A) Continue to Maintain Their Insurance Policies and Programs, (B) Honor all Insurance Obligations, (C) Renew, Amend, Supplement, Extend, or Purchase and Finance Insurance Policies; (II) Authorizing Continuation of Insurance Premium Financing Agreement; and (III) Granting Related Relief [Filed September 12, 2023, Docket No. [244](#)]
- C. **Final Order (I) Authorizing the Debtors to (A) Continue to Maintain Their Insurance Policies and Programs, (B) Honor all Insurance Obligations, (C) Renew, Amend, Supplement, Extend, or Purchase and Finance Insurance Policies; (II) Authorizing Continuation of Insurance Premium Financing Agreement; and (III) Granting Related Relief [Entered September 12, 2023, Docket No. [251](#)]**

Status: The Court has entered the order on this matter and it is now resolved.

- 14. Motion for Entry of Interim and Final Orders Authorizing the Debtors to (A) Continue Operating Cash Management System, (B) Honor Certain Prepetition Obligations Related thereto, (C) Maintain Existing Business forms, and (D) Granting Related Relief [Filed 08/09/2023, Docket No. [16](#)].

Response Deadline: August 31, 2023. The deadline to respond was extended for the Committee to September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Final Order.

Related Documents:

- A. Certification of Counsel Regarding Motion for Entry of Interim and Final Orders Authorizing the Debtors to (A) Continue Operating Cash Management System, (B) Honor Certain Prepetition Obligations Related thereto, (C) Maintain Existing Business forms, and (D) Granting Related Relief [Filed September 11, 2023, Docket No. [242](#)].
- B. **Final Order (I) Authorizing the Debtors to (A) Continue Operating Cash Management System, (B) Honor and Pay Bank Fees, (C) Maintain Existing**

Business Forms, and (II) Granting Related Relief [Entered September 12, 2023, Docket No. [249](#)]

Status: The Court has entered the order on this matter and it is now resolved.

III. MATTERS GOING FORWARD

15. Motion for Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals [Filed August 24, 2023, Docket No. [135](#)].

Response Deadline: September 7, 2023.

Responses Received:

- a. Informal response received from the Committee and the United States Trustee as incorporated into the form of the Proposed Order.

Related Documents:

- a. **Certification of Counsel Regarding Motion for Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals [Filed September 13, 2023, Docket No. [261](#)]**

Status: The informal comments of the Committee and the United States Trustee have been resolved by language added to a revised proposed order filed under certification of counsel. No hearing is needed if the revised proposed order is acceptable to the Court.

16. Motion to Employ Professionals Utilized as in the Ordinary Course of Business [Filed August 24, 2023, Docket No. [137](#)].

Response Deadline: September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Order.

Related Documents:

- a. **Certification of Counsel Regarding Motion to Employ Professionals Utilized as in the Ordinary Course of Business [Filed September 13, 2023, Docket No. [259](#)]**
- b. **Order: (I) Authorizing Employment and Payment of Professional Utilized In the Ordinary Course of Business; and (II) Granting Related [Entered September 13, 2023, Docket No. [260](#)]**

Status: The Court has entered the order on this matter and it is now resolved.

17. Application to Employ Intrepid Investment Bankers LLC as Investment Banker for the Debtors and Debtors in Possession, Pursuant to 11 U.S.C. Sections 327(A) and 328, Nunc Pro Tunc to the Petition Date, (B) Waiving Certain Requirements Imposed by Local Rule 2016-2, and (C) Granting Related Relief [Filed August 24, 2023, Docket No. [139](#)].

Response Deadline: September 7, 2023.

Responses Received:

- a. Informal response received from the Committee and the Office of the United States Trustee, as incorporated into the form of the Proposed Order.

Related Documents:

- a. Supplemental Declaration in Support of Lorie Beers Regarding Debtors' Application for Entry of an Order (A) Authorizing the Retention and Employment of Intrepid Investment Bankers LLC as Investment Banker for the Debtors and Debtors in Possession, Pursuant To 11 U.S.C. §§ 327(A) and 328, Nunc Pro Tunc to the Petition Date, (B) Waiving Certain Requirements Imposed by Local Rule 2016-2, and (C) Granting Related Relief [Filed September 13, 2023, Docket No. [262](#)]
- b. Certification of Counsel Regarding Application to Employ Intrepid Investment Bankers LLC as Investment Banker for the Debtors and Debtors in Possession, Pursuant to 11 U.S.C. Sections 327(A) and 328, Nunc Pro Tunc to the Petition Date, (B) Waiving Certain Requirements Imposed by Local Rule 2016-2, and (C) Granting Related Relief [Filed September 13, 2023, Docket No. [265](#)]

Status: The informal comments of the Committee and the United States Trustee have been resolved by language added to a revised proposed order filed under certification of counsel. No hearing is needed if the revised proposed order is acceptable to the Court.

18. Application to Employ Ankura Consulting Group, LLC as Chief Restructuring Officer (II) Designating Philip J. Gund as Chief Restructuring Officer for the Debtors Effective as of the Petition Date, and (III) Granting Related Relief [Filed August 24, 2023, Docket No. [141](#)].

Response Deadline: September 7, 2023.

Responses Received:

- a. Informal response received from the Committee and the United States Trustee as incorporated into the form of the Proposed Order.

Related Documents:

- a. **Certification of Counsel Regarding Application to Employ Ankura Consulting Group, LLC as Chief Restructuring Officer (II) Designating Philip J. Gund as Chief Restructuring Officer for the Debtors Effective as of the Petition Date, and (III) Granting Related Relief [Filed September 13, 2023, Docket No. [268](#)].**

Status: The informal comments of the Committee and the United States Trustee have been resolved by language added to a revised proposed order filed under certification of counsel. No hearing is needed if the revised proposed order is acceptable to the Court.

19. Motion for an Order (I) Approving Key Employee Incentive Plan for Senior Leadership Employees and (II) Approving Key Employee Retention Plan for Non-Insider Employees [Filed August 24, 2023, Docket No. [142](#)].

Response Deadline: September 7, 2023.

Responses Received:

- a. Informal response received from the Committee and the United States Trustee as incorporated into the form of the Proposed Order.

Related Documents:

- A. Motion for the Entry of an Order Authorizing Debtors to File Certain Information Related to Debtors' Motion to Approve Key Employee Retention Under Seal [Filed August 24, 2023, Docket No. [144](#)]
- B. **Supplemental Declaration in Support /Supplemental Declaration of Steven J. Fleming in Support of Debtors' Motion for an Order (I) Approving Key Employee Incentive Plan for Senior Leadership Employees and (II) Approving Key Employee Retention Plan for Non-Insider Employees [Filed September 13, 2023, Docket No. [264](#)]**
- C. **Certification of Counsel Regarding Motion for an Order (I) Approving Key Employee Incentive Plan for Senior Leadership Employees and (II) Approving Key Employee Retention Plan for Non-Insider Employees [Filed September 13, 2023, Docket No. [266](#)]**
- D. **[SEALED] Exhibit(s) Related to Certification of Counsel at Docket 266 for Motion for an Order (I) Approving Key Employee Incentive Program for Senior Leadership Employees and (II) Approving Key Employee Retention Plan for Non-Insider Employees [Filed September 14, 2023, Docket No. 270]**

Status: The informal comments of the Committee and the United States Trustee have been resolved by language added to a revised proposed order filed under

certification of counsel. No hearing is needed if the revised proposed order is acceptable to the Court.

20. First Omnibus Motion for the Entry of an Order (A) Authorizing Rejection of Unexpired leases and Non-Residential Real Property and Executory Contracts Nunc Pro Tunc to the Petition Date; (B) Abandoning any Remaining Personal Property Located at the Leased Premises; and (C) Granting Related Relief [Filed August 11, 2023, Docket No. [66](#)].

Response Deadline: August 31, 2023. The deadline to respond was extended for the Committee to September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Final Order.
- b. Informal response received from potential asset purchaser.

Related Documents:

Status: The Debtors will submit a revised order under certification of counsel after the hearing. This matter is not going forward at the hearing.

IV. CONTESTED MATTERS GOING FORWARD

21. Motion of the Debtors for Interim and Final Orders (I) Authorizing Debtors (A) to Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief [Filed 08/09/2023, Docket No. [19](#)].

Response Deadline: August 31, 2023. The deadline to respond was extended for the Committee to September 7, 2023.

Responses Received:

- a. Informal response received from the Committee as incorporated into the form of the Proposed Final Order.
- b. [REDACTED] Limited Objection of Lavvan, Inc. to Motion of the Debtors for Interim and Final Orders (I) Authorizing Debtors (A) to Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief [Filed August 31, 2023, Docket No. [172](#)].
- c. Supplemental Objection of Lavvan, Inc. to Motion of the Debtors for Interim and Final Orders (I) Authorizing Debtors (A) to Obtain Postpetition Financing and (B)

to Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief [Filed September 8, 2023, Docket No. [211](#)].

- d. **Statement of the Official Committee of Unsecured Creditors Regarding the Motion of the Debtors for Interim and Final Orders (I) Authorizing Debtors (A) to Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief [Filed September 13, 2023, Docket No. [267](#)].**
- e. **Preliminary Statement of Ad Hoc Cross-Holder Group to Debtors' Motion for Interim and Final Orders (I) Authorizing Debtors (A) to Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief [Filed September 13, 2023, Docket No. [269](#)]**

Related Documents:

- A. Notice of Hearing on Motion of the Debtors for Interim and Final Orders (I) Authorizing Debtors (A) to Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief [Filed August 10, 2023, Docket No. [40](#)].
- B. Interim Order (I) Authorizing the Debtors (A) to Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief [Filed August 11, 2023, Docket No. [54](#)].
- C. Debtors' Motion for Entry of an Order Authorizing Debtors to File Under Seal Certain Information Related to Reply of the Debtors in Support of Final Order (I) Authorizing Debtors (A) to Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, and (IV) Granting Related Relief [Filed September 11, 2023, Docket No. [237](#)].

Replies:

- A. Reply Of Euagore, LLC And The Foris Prepetition Secured Lenders To Objection Of Lavvan, Inc., And Joinder To Reply Of The Debtors In Support Of Final Order (I) Authorizing Debtors To (A) Obtain Postpetition Financing And (B) To Utilize Cash Collateral, (II) Granting Adequate Protection To Prepetition Secured Parties, (III) Modifying The Automatic Stay, And (IV) Granting Related Relief [Filed September 11, 2023, Docket No. [235](#)].

- B. [SEALED] Reply of the Debtors in Support of Final Order (I) Authorizing Debtors (A) to Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief [Filed September 11, 2023, Docket No. 236].
- C. [REDACTED] Reply of the Debtors in Support of Final Order (I) Authorizing Debtors (A) to Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief [Filed September 11, 2023, Docket No. [238](#)].
- D. **Amended Declaration of Steven Fleming in Support of Reply of the Debtors in Support of Final Order (I) Authorizing Debtors (A) to Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief**[Filed September 14, 2023, Docket No. [273](#)].

Witness and Exhibit List:

- A. Debtors' Witness and Exhibit List for hearing on September 14, 2023 at 2:00 p.m. (ET) [Filed September 12, 2023, Docket No. [245](#)].
- B. **The Foris Lenders' Witness and Exhibit List for Hearing Scheduled for September 14, 2023 at 2:00 p.m. (ET) [Filed September 12, 2023, Docket No. [248](#)].**
- C. **Lavvan, Inc.'s Witness and Exhibit List for Hearing Scheduled for September 14, 2023 at 2:00 p.m. (ET) [Filed September 14, 2023, Docket No. [272](#)].**

Status: The matter is going forward.

Dated: **September 14**, 2023

PACHULSKI STANG ZIEHL & JONES LLP

/s/ James E. O'Neill

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